

REMARKS

This is in response to the Final Office Action dated May 27, 2009. Applicant has amended the application as set forth above. All the features of the amended claims are fully supported by the originally filed application. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, claim 1 is pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over the translation of Korean Patent No. 20-0247187 to Gi in view of US Patent No. 5,037,007 to Deussen. Applicant respectfully disagrees with the Examiner. However, Applicant has amended Claim 1 to clarify the inventive points of the independent claim.

Claim 1 as Amended and Entered (*Emphasis added*)

A dispenser with a sealed dispensing valve unit, which is secured to a mouth of a hermetic casing holding a cream-type cosmetic that is deteriorated by contact with air and has high viscosity, and discharges contents through a center of an upper plate of a button, when the button having a shape of a concave dish is pushed to operate pumping means provided under the button, the dispenser comprising:

an outlet hole bored in a concave central portion of the button, with an inclined inner surface defining a lower portion of the outlet hole and being tapered in a direction from an upper portion to a lower portion of the inclined inner surface, and a vertical inner surface extending from an upper end of the inclined inner surface to a predetermined height; and

a dispensing valve having at a lower portion thereof a funnel-shaped inclined outer surface to selectively come into contact with the inclined inner surface of the outlet hole due to operation of the pumping means, thus opening or closing the outlet hole, with a vertical outer surface extending upwards from an upper end of the inclined outer surface to a predetermined height,

wherein an outer diameter (d) and a height (t) of the vertical outer surface of the dispensing valve are smaller than an inner diameter (D) and a height (T) of the vertical inner

surface of the outlet hole, so that some of the contents are filled between the vertical outer surface and the vertical inner surface, thus providing a sealing film over the dispensing valve and the concave central portion of the button against air,

wherein the contents are discharged from the lower portion, which is connected to the hermetic casing, to the upper portion of the inclined inner surface of the outlet hole.

Claim 1 of the instant application comprises a dispenser with a sealed dispensing valve unit, which includes: an outlet hole having an inclined inner surface and a vertical inner surface; and a dispensing valve having a funnel-shaped inclined outer surface and a vertical outer surface, which are configured to provide a sealing film by some left and filled between the vertical outer surface and the vertical inner surface. (See page 9, lines 15-22; page 10, lines 3-19; and page 11, lines 1-12; Figs. 5-7)

Applicant respectfully submits that it should be noticed that the hermetic casing is connected to the lower portion of the inclined surface of the outlet hole (100). (See Fig. 4-7) Therefore, the contents of the hermetic casing flow and are discharged from the lower portion to the upper portion of the inclined inner surface (110) of the outlet hole (100) in the direction of the arrows in Fig. 6. (See Fig. 6)

In the present invention, top surfaces of the dispensing valve (200) and the button (30) are exposed to ambient air all the time, which will be blocked by the sealing film formed over them, and which will protect the contents of the hermetic casing, which is disposed under and connected to the lower portion of the inclined inner surface (110), from the ambient air present above the button (30) and the dispensing valve (200) in Fig. 7.

In contrast, in Deussen's device in Fig. 1, the contents are disposed in "the container interior marked 11." Considering the direction of the funnel-shaped piston head (13), the contents are located in a wrong side of the piston (13), compared to the present invention. Therefore, Applicant submits that there is *no way* to form a sealing film over the head of the piston (13) in Deussen's device as in the present invention. Actually, the space around the head of the piston (13) are always filled with the contents of the container, since it is inside the container.

Therefore, there is no need to form a sealing film. Also, there is *no way* to form a sealing film, because there is nothing to seal around the head of the piston (13). (See Figs. 1 and 2) Please be notified that the presence of the container thread (11a) in Figs. 1 and 2, relatively to direction of funnel of the piston (13).

Comparing Fig. 1 of Deussen with Fig. 7 of the present invention:

Fig. 1 of Deussen

- The funnel of the piston (13) is upside down.
- The contents are disposed in the container disposed in the lower part of the figure.
- The contents are squirted out from lower portion to the upper portion of the figure.

Fig. 7 of the present invention

- The funnel of dispensing valve (200) is upright with the wider portion at the top.
- The contents are disposed in the hermetic casing disposed in the lower part of the figure.
- The contents are squirted out from the lower portion to the upper portion of the figure.

The difference is clear from the above. The funnel-shaped head of the dispensing valve (200) is distinctly different from the piston (13). The directions relative to the other elements are *opposite*. Furthermore, the funnel-shaped element is exposed to the ambient air in the present invention, while buried deeply in the contents of the container in Deussen's device. Therefore, the structure and function are totally different from each other.

The Examiner stated “*Figure 2 represents the dispensing state of the device, similar to Figure 6 of applicant's invention, where a gap is necessarily present to allow passage of fluid through the outlet hole to the user of the device.*” in Response to Arguments. Applicant respectfully disagrees with the Examiner.

The flow directions of the contents around the funnel-shaped elements are *opposite* to each other. Also, the piston (13) of Deussen's device is *always* buried deeply in the contents, while the dispensing valve (200) of the present invention is exposed to the air, needs to be sealed, and sealed really with the sealing film formed over the button (30) and the dispensing valve (200).

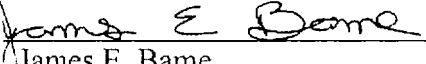
Therefore, Gi, Deussen, or their combination does not teach or suggest the features in structure and associated function of the present invention. Applicant respectfully requests withdrawal of the rejections.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that claim 1 are in condition for allowance, and such action is respectfully solicited, if required, under the *Examiner's Amendment*. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

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